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on the Elimination
of all Forms of
Racial Discrimination

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Fifty-seventh session
31 July - 25 August 2000

CONSIDERATION OF REPORTS SUBMITTED BY STATES
PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the
Elimination of Racial Discrimination

Finland

1. The Committee considered the fifteenth periodic report of Finland CERD/C/363/Add.2), at its 1403rd and 1404th meetings (CERD/C/SR.1403-1404), held on 1 and 2 August 2000. At its 1414th meeting (CERD/C/SR.1414), held on 9 August 2000, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the detailed and comprehensive report of the State party, which in an open and self-critical manner addresses the different issues raised in the Committee's previous concluding observations. The Committee also expresses its appreciation for the additional information provided in oral and written form and for the frank and constructive dialogue with the State party's delegation.

B. Positive aspects

3. The Committee notes the legislative measures adopted by the State party with a view to combating racial discrimination, including the new Constitution, the new Act on the Integration of Immigrants and Reception of Asylum-Seekers and the Personal Data Act, the amendment of the Aliens Act, and the revision of the legislation concerning education.

4. The Committee welcomes the efforts made by the State party to establish an institutionalized system for protection against racial discrimination and promotion of rights of minorities, mainly Sami and Roma.

5. The Committee notes with interest the proposal for a governmental National Programme of Action against Ethnic Discrimination and Racism in order to enhance good ethnic relations and prevent ethnic discrimination and racism in Finnish society.

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6. The Committee welcomes the number of in-depth studies undertaken on ethnic relations, in particular on Finnish attitudes towards immigrants, ethnic groups and ethnic discrimination at work.

7. The Committee notes with interest that anti-racist projects have been implemented also at the regional and local levels, in particular the Finnish Romako joint project to raise the education level of the Roma and prevent their social exclusion.

C. Concerns and recommendations

8. The Committee notes the lack of a uniform terminology on discrimination in different Finnish laws. In light of article 1 of the Convention and in order to better combat acts of racism, the Committee recommends the adoption of explicit anti-discriminatory legislation.

9. The Committee reiterates its concern at the absence of a law prohibiting organizations which promote and incite racial discrimination and of a provision in the Penal Code declaring any dissemination of ideas based on racial superiority or hatred punishable by law. The Committee urges the State party to give due consideration in this respect to the Committee's- 42 - generalrecommendation VII relating to the implementation of article 4 of the Convention. The Committee also recommends that the State party consider adopting provisions to increase the severity of sentences for racially motivated crimes, in particular racial violence.

10. The Committee is concerned that Roma continue to experience discrimination in the fields of housing, education and employment. It also expresses concern about reports that Roma are sometimes denied access to and service in public places such as restaurants. The Committee recommends that the State party take additional measures at the national and municipal levels to improve the situation of the Roma minority, with a view to preventing social exclusion and discrimination against them.

11. The Committee regrets that the question of land ownership of the Sami has not yet been resolved and that Finland has not acceded to Convention (No. 169) concerning Indigenous and Tribal Peoples in Independent Countries of the International Labour Organization. Furthermore, it expresses its concern about activities authorized by State bodies in Sami reindeer-breeding areas which may threaten Sami culture and their traditional way of life. The Committee urges the State party to pursue its efforts, together with the Sami people, towards the adequate resolution of the land dispute, giving due consideration in this respect to general recommendation XXIII, and requests the State party to provide full information on this issue in the next periodic report.

12. The Committee expresses its concern that in some cases the new accelerated procedure in the revised Aliens Act would result in the repatriation of an asylum-seeker while his or her appeal was still pending. The Committee recommends that the State party take all available measures to guarantee the legal safeguards for asylum-seekers.

13. The Committee is concerned about the fact that with respect to racially motivated crimes, the police do not always intervene or its action is not always appropriate and that prosecutors hesitate to initiate criminal proceedings. It also notes that according to a 1999 study on attitudes of public authorities towards immigrants, police and frontier guards have the most negative attitude. The Committee recommends the continuation and strengthening of training programmes for police and all law enforcement officials and the improvement of communication between officials and immigrants in order to enhance mutual confidence. In cases where police officers are personally involved in racially motivated acts, it recommends

that an independent body investigate and invites judges and prosecutors to be more active and firm in prosecuting these cases.

14. The Committee notes with concern that immigrants, refugees and minorities, in particular Roma, have higher rates of unemployment, have difficulties in gaining access to housing and social services and have higher rates of school drop-out. The Committee is concerned about the low number of judicial proceedings initiated related to incidents of racial discrimination, including cases of discrimination in employment. The Committee recommends that the State- 43 -party take all necessary measures to alleviate the situation of immigrants, refugees and minorities, in particular Roma, at the national and municipal levels, especially with respect to housing, employment and education.

15. In the light of article 6 of the Convention, the Committee notes that the only way of obtaining reparation or satisfaction for any damage suffered as a result of an act of racial discrimination is through a penal proceeding. The Committee recommends that the State party consider ensuring alternative measures to penal proceedings in cases of discrimination.

16. The Committee is concerned at the increasing number of racist acts. Also, it notes with concern reports showing that a significant percentage of Finns declare themselves to be racist or partially racist and are opposed to the practice of Islam by immigrants (refugees). It notes also that media often present immigrants and minorities, in particular Roma, in a negative light. The Committee invites the State party to strengthen measures to promote tolerance and combat prejudices, in particular in the field of teaching, education, culture and information. It also recommends that the State party find adequate modalities to make journalists and people working in the media sector more aware of racial discrimination.

17. The Committee further recommends that the State party take all necessary measures to establish the Office of the Discrimination Ombudsman and to provide the necessary human and financial resources to enable the Office to carry out its tasks in an effective way.

18. The Committee further invites the State party to ensure the wide dissemination of the text of the Convention, as well as of the report and the concluding observations adopted thereon. The accepted individual communications procedure under article 14 of the Convention should be widely publicized throughout Finland for the benefit of the general public.

19. The Committee recommends that the State party's next periodic report, due on 16 August 2001, be an updating report and that it address the points raised in the present concluding observations.